

III. POST-BIFURCATION DEPOSITIONS AND DISCOVERY.

Following the Court's *Daubert* decision in April 2020, the Plaintiffs' Steering Committee (PSC) sought to conduct liability depositions to prepare for bellwether trials and to further prepare a trial package for cases that may be remanded from this Court. Recognizing that this case had been bifurcated, Judge Pisano issued a letter order on January 28, 2021 (Dkt. No. 16468), permitting the requested depositions and further allowing the PSC to cross-notice and participate in generic corporate depositions that are being noticed in state court.

Following the issuance of Judge Pisano's Order, the PSC has been conferring with the Johnson & Johnson defendants ("J&J") on scheduling and other issues related to the coordination of federal and state depositions of J&J corporate witnesses.

IV. REPORT ON FEDERAL DOCKET.

As of January 26, 2021: There are currently 22,331 cases pending in the MDL in which the Johnson & Johnson defendants have been served or in which plaintiffs from multi-plaintiff cases pending in the MDL have filed Short Form Complaints on individual dockets and have not served the Johnson & Johnson defendants (and have opened case numbers), totaling 22,697 plaintiffs.

V. STATE COURT LITIGATION.

As of January 26, 2021:

California: There are approximately 616 ovarian cancer cases involving 679 plaintiffs pending in the California coordinated proceeding, *Johnson & Johnson Talcum Powder Cases*.

Delaware: There are currently 9 consolidated cases pending in the Superior Court of Delaware in which the Johnson & Johnson defendants have been served.

Missouri: There are currently 25 cases, with a total of 796 plaintiffs pending in the 22nd Judicial Circuit Court, St. Louis (City) in which the Johnson & Johnson defendants have been served. There are currently two cases with a total of 38 plaintiffs pending in the 23rd Judicial Circuit Court, Jefferson County in which the Johnson & Johnson defendants have been served. On November 3, 2020, the Missouri Supreme Court declined to review the decision of a lower appellate court

in *Ingham v. Johnson & Johnson, et al.*, affirming the decision of a trial court in favor of plaintiffs, subject to a remittitur of the verdict. The defendants intend to file a Petition for Writ of Certiorari to the United States Supreme Court. Trial involving plaintiffs in *Forrest v. Johnson & Johnson, et al.*, is set to commence on April 4, 2021.

New Jersey: There are currently 1175 cases pending in the Atlantic County Superior Court Multicounty Litigation, *In re: Talc-Based Powder Products Litigation*, Case No. 300. On August 5, 2020 the NJ Appellate Division reversed the trial court that excluded plaintiffs' experts and granted the Johnson & Johnson defendants' Motion for Summary Judgment in the *Carl* and *Balderrama* cases. The New Jersey Supreme Court denied the Johnson & Johnson Defendants' Petition for Certification on January 29, 2021. The remaining cases have been stayed in the law division pending completion of the appellate process.

Florida: There are 45 cases pending in Florida state court.

Georgia: There are 36 cases pending in Georgia state court.

Illinois: There are 54 cases pending in Illinois state court.

Pennsylvania: There are 24 cases pending in Pennsylvania state court.

Louisiana: There are 36 cases pending in Louisiana State Court.

Arizona: There is one case pending in Pima County, Arizona.

Rhode Island: There is one case pending in Providence County, Rhode Island.

Virginia: There is one case pending in Chesapeake County, Virginia.

VI. STATUS OF CASES RE-FILED IN THE MDL PER CMO.

There are 26 cases where plaintiffs who were previously part of a multi-plaintiff complaint have filed Short Form Complaints in this MDL proceeding but have not complied with CMO 8 in either serving the Short Form Complaint on defendants or filing a notice of filing on the master docket. *See* CMO 8, ¶¶ 1 and 5 (requiring plaintiffs to file Short Form Complaints pursuant to CMO 2 and to serve these complaints pursuant to CMO 3); *see also* CMO 3, ¶¶ 3 and 4 (requiring filing

of an ECF notice if the original service of process was proper or requiring service of process where the original complaint was not properly served). Of the 26 cases, 24 are subject to the Court's November 12, 2020 Order and potentially subject to dismissal.

Defendants provided plaintiffs with the list of the 26 cases referenced above on February 10, and plaintiffs have requested that the parties confer on the appropriate next steps.

VII. SEVERANCE ORDER

Pursuant to the November 12, 2020 Order, the clerk's office was directed to assign individual docket numbers and transfer information for certain cases listed on the Order. (*See* Nov. 12, 2020 Order at Exhibit B, Column D) Based on a review of these cases, it does not appear that the clerk's office has done so yet. The parties seek the Court's guidance on the appropriate way to request that the clerk's office assign individual docket numbers and transfer information in these cases.

VIII. DUPLICATE FILED CASES.

There are 363 plaintiffs in this MDL who have multiple cases pending. 88 plaintiffs have duplicate filed MDL cases and 275 plaintiffs have cases filed in the MDL and state court. The parties are currently conferring on two proposed orders dismissing duplicate filed cases.

IX. STATUS OF PENDING MOTIONS.

The list of motions pending in individual cases is attached hereto as Exhibit A. As to case-specific remand motions, on July 31, 2020 and at the Court's request, the Johnson & Johnson defendants submitted its analysis of the impact of Chief Judge Wolfson's June 29, 2020 opinion on the remaining remand motions to determine which are now moot based on that opinion and which remain to be decided on the merits. On November 23, 2020, plaintiffs submitted their analysis of this issue.

The PSC's Motion for Leave to Amend the Master Complaint is fully briefed.

PCPC's Motion for Summary Judgment is fully briefed.

On January 29, 2021, PCPC, with the consent of the Plaintiff's counsel Fears Nachawati Law Firm PLLC, requested that, pursuant to Case Management Order No. 10 [Dkt. No. 4767] entered on February 22, 2018 ("CMO 10"), based on lack of personal jurisdiction, the Clerk of the Court enter dismissals without prejudice of PCPC only as a defendant in 3,247 lawsuits identified in Exhibit A to PCPC's submission.

Respectfully submitted,

s/Susan M. Sharko

Susan M. Sharko
FAEGRE DRINKER BIDDLE & REATH
LLP
600 Campus Drive
Florham Park, New Jersey 07932
Telephone: 973-549-7000
Facsimile: 973-360-9831
Email: susan.sharko@faegredrinker.com

s/John H. Beisner

John H. Beisner
SKADDEN, ARPS, SLATE,
MEAGHER & FLOM LLP
1440 New York Avenue, N.W.
Washington, D.C. 20005
Telephone: 202-371-7000
Facsimile: 202-661-8301
Email: john.beisner@skadden.com

s/Thomas T. Locke

Thomas T. Locke
SEYFARTH SHAW LLP
975 F. Street, NW
Washington, DC 20004
Telephone: 202 463-2400
Email: tlocke@seyfarth.com

s/Michelle A. Parfitt

Michelle A. Parfitt

ASHCRAFT & GEREL, LLP
4900 Seminary Road, Suite 650
Alexandria, VA 22311
Telephone: 703-931-5500
Email: mparfitt@ashcraftlaw.com

s/P. Leigh O'Dell

P. Leigh O'Dell
BEASLEY, ALLEN, CROW, METHVIN,
PORTIS & MILES, P.C.
218 Commerce Street
Montgomery, Alabama 36104
Telephone: 334-269-2343
Email: leigh.odell@beasleyallen.com

s/Christopher M. Placitella

Christopher M. Placitella
COHEN PLACITELLA ROTH, PC
127 Maple Avenue
Red Bank, NJ 07701
Telephone: 888-219-3599
Facsimile: 215-567-6019
Email: cplacitella@cprlaw.com

EXHIBIT A**STATUS OF PENDING MOTIONS IN INDIVIDUAL CASES**

Case Name	Case No.	Status of Pending Motions
<i>Abram, Edwina, et al. v. Johnson & Johnson, et al.</i>	3:20-cv-01276	<p>Motion to Remand filed February 11, 2020. Fully Briefed.</p> <p>PTI Royston, LLC's Renewed Motion to Dismiss. Fully Briefed.</p> <p>PTI Union, LLC's Renewed Motion to Dismiss Plaintiffs' Petition for Failure to State a Claim. Fully Briefed.</p> <p>Plaintiffs filed responses in opposition to PTI Royston, LLC's and PTI Union, LLC's Renewed Motions to Dismiss on March 23, 2020.</p>
<i>Akins, Diane, et al. v. Johnson & Johnson, et al.</i>	3:19-cv-16059	<p>Motion to Remand filed on August 29, 2019. Fully Briefed.</p> <p>PTI Royston, LLC's Motion to Dismiss for Lack of Jurisdiction filed August 29, 2019. Fully Briefed.</p> <p>PTI Union, LLC's Motion to Dismiss Plaintiffs' First Amended Petition for Failure to State a Claim filed on August 29, 2019. Fully Briefed.</p> <p>Plaintiffs filed responses in opposition to PTI Royston, LLC's and PTI Union, LLC's Renewed Motions to Dismiss on September 23, 2019.</p>

Case Name	Case No.	Status of Pending Motions
<i>Stalnaker, Velma ,et al. v. Johnson & Johnson, et al.</i>	3:20-cv-06780	<p>Plaintiff's Motion to Remand filed July 2, 2020. Briefing previously stayed pending resolution of the motions for reconsideration.</p> <p>PTI Royston, LLC's Renewed Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim filed July 6, 2020. Fully Briefed</p> <p>PRI Union, LLC's Renewed Motion to Dismiss for Lack of Personal Jurisdiction and Failure to State a Claim filed July 6, 2020. Fully Briefed.</p> <p>Plaintiffs filed responses in opposition to PTI Royston, LLC's and PTI Union, LLC's Renewed Motions to Dismiss on July 20, 2020.</p>
<i>Cox, Martha</i>	3:20-cv-06779	<p>Motion to Remand filed July 20, 2020. Fully Briefed.</p> <p>PTI Royston, LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.</p>
<i>Denney, Connie</i>	3:20-cv-06781	<p>Motion to Remand filed July 20, 2020. Fully Briefed.</p> <p>PTI Royston, LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.</p>
<i>Fust, Carol</i>	3:20-cv-12394	<p>Motion to Remand filed on September 8, 2020. Fully Briefed.</p> <p>PTI Royston LLC's Motion to Dismiss Complaint for Failure to State a Claim filed October 8, 2020. Fully briefed as of November 24, 2020.</p>
<i>Gregory, Sonna</i>	3:20-cv-10112	<p>Motion to Remand filed on September 8, 2020. Fully Briefed.</p> <p>PTI Royston LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.</p>

Case Name	Case No.	Status of Pending Motions
<i>Sumner, Cheryl</i>	3:20-cv-06825	Motion to Remand filed July 20, 2020. Fully Briefed. PTI Royston LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.
<i>Weaver, Tammy</i>	3:20-cv-03744	Motion to Remand filed June 1, 2020. Fully Briefed. PTI Royston LLC's Motion to Dismiss Complaint for Failure to State a Claim. Fully Briefed.
<i>Bennington, Stavroula</i>	18-cv-00012	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Carter, Diane</i>	17-cv-10456	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Castillo, Lorraine</i>	19-cv-00576	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Coleman, Georgia</i>	19-cv-14466	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Dobrzelewski, Lynn</i>	19-cv-19637	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). The opposition deadline was October 19, 2020, and plaintiff did not file any opposition. Plaintiffs oppose the Motion to Dismiss. Plaintiff passed away and counsel is trying to determine correct heirs at law and is planning to file suggestion of death and additional causes of action.

Case Name	Case No.	Status of Pending Motions
<i>Douglas, Matrelle</i>	19-cv-14560	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Ellis, Melissa</i>	17-cv-06861	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Gomez, Maria</i>	17-cv-10889	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Harris, Charles (Jeanne Harris)</i>	17-cv-01502	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Hartman, Harry (Pamela L. Hartman)</i>	20-cv-01264	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Hykes, Scarlet</i>	19-cv-12734	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed. Plaintiffs do not oppose.
<i>Jackson, Melinda</i>	20-cv-02191	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Johnson, Elizabeth</i>	17-cv-10381	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Jones, Robert (Jane High)</i>	19-cv-20641	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.

Case Name	Case No.	Status of Pending Motions
<i>Martin, Alison</i>	17-cv-09917	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>O'Miller, Katie</i>	18-cv-11020	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Recio, Christina</i>	19-cv-12775	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed. Plaintiffs do not oppose.
<i>Richards, Duane</i>	18-cv-14654	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Savage, Catherine</i>	19-cv-13168	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Stafford, Terri</i>	17-cv-09730	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Stuart, Helen (Sandra Dunaway)</i>	20-cv-00463	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Swangim, Jerrienne</i>	18-cv-05588	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Tate, Roxane</i>	19-cv-16826	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.

Case Name	Case No.	Status of Pending Motions
<i>Taylor, Jennifer</i>	20-cv-02662	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Tyrrell, Ashley</i>	20-cv-01552	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Underwood, Regina</i>	19-cv-22099	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Whitley, Lois</i>	19-cv-18063	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Williams, Andrea</i>	19-cv-17011	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Williams, Rosie</i>	19-cv-12031	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed and the deadline for filing an opposition has passed.
<i>Baxter, Corrine</i>	17-cv-07780	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed – Per response filed on 9/29/20, plaintiff no longer wishes to pursue the case and does not oppose dismissal.
<i>Joseph, Shintelle</i>	16-cv-07465	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed – Per response filed on 9/29/20, plaintiff is unresponsive and plaintiff's counsel has no opposition to motion.

Case Name	Case No.	Status of Pending Motions
<i>Stallings, Elizabeth</i>	18-cv-00274	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Unopposed – Per response filed on 9/21/20, plaintiff no longer wishes to pursue the case and does not oppose dismissal.
<i>Stewart, Kevin (Kathlene Stewart)</i>	19-cv-17655	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). The extension deadline has passed and the discovery deficiencies remain unresolved. Plaintiff's counsel advised that she cannot locate a next of kin. The case should now be dismissed.
<i>Wagoner, Earline</i>	18-cv-05820	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). The extension deadline has passed and the discovery deficiencies remain unresolved. The case should now be dismissed.
<i>Brundidge, Betty</i>	18-cv-15736	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Fully Briefed.
<i>Bynam, Denise</i>	19-cv-13428	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Fully Briefed.

Case Name	Case No.	Status of Pending Motions
<i>Crumpton, Dorothy</i>	18-cv-11058	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Fully Briefed. Plaintiff passed away more than one year ago in October 2019, and no suggestion of death or motion to substitute have been filed. The case remains deficient for failure to submit supporting documents as the PPF verification and medical authorization are not signed by a court-appointed estate representative and are therefore unusable. The case should now be dismissed with prejudice. Plaintiff Opposed to Defendant's Motion to Dismiss. Plaintiff cured deficiencies pursuant to a letter dated November 22, 2020 and subsequently uploaded necessary documents to MDL Centrality.
<i>Feldman, Ann Marie</i>	20-cv-01339	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Fully Briefed.
<i>Freeman, Sharon</i>	17-cv-13814	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Fully Briefed.
<i>Mall, Karen</i>	18-cv-13486	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Fully Briefed.
<i>Rodgers, Michelle</i>	19-cv-15158	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Fully Briefed.
<i>Walker, Roger (Nola Walker)</i>	19-cv-05458	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Fully Briefed.
<i>Walker, Sarah</i>	16-cv-08963	J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Fully Briefed.

Case Name	Case No.	Status of Pending Motions
<i>White, Karen</i>	19-cv-21555	<p>J&J Defendants' Motion to Dismiss Stage One Discovery Pool case Pursuant to Rule 41(b). Fully Briefed. Plaintiff passed away more than one year ago in January 2020, and no suggestion of death or motion to substitute have been filed. The case remains deficient for failure to submit supporting documents as the PPF verification and medical authorization are not signed by a court-appointed estate representative and are therefore unusable. The case should now be dismissed with prejudice.</p> <p>Plaintiff Opposed to Defendant's Motion to Dismiss. Plaintiff cured deficiencies pursuant to a letter dated November 22, 2020 and subsequently uploaded necessary documents to MDL Centrality.</p>